

SAINT GEORGE

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By J. H. WHITEHOUSE, M.P.

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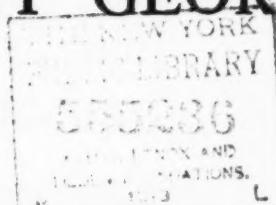
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May, 1911.

THE DECLARATION OF LONDON

By W. H. DICKINSON, M.P.

ORIGIN OF THE DECLARATION.

AS is well known, the Government of Lord Salisbury, in the years 1895 to 1900, was actively engaged in trying to frame systems of arbitration by which differences arising between nations could be settled by International Courts, and at the first Hague Conference in 1898 it was owing largely to the efforts of the British Government that a scheme for establishing the Court of Arbitration was adopted by the Powers, and the Convention, under which The Hague tribunal now exists, was ultimately carried through.

In 1907 the second Peace Conference was held, and at its first meeting the British plenipotentiary by instructions of his Government asked leave to add to the programme the question of instituting a Naval Prize Court, and in this he was supported by the German plenipotentiary, who had also been empowered by his Government to present a scheme with this object.

The Conference assented to the application, and the British and German schemes were both referred to a committee, who in the end elaborated the draft Convention on which the Declaration of London is based. The British and German schemes differed from each other, and the ultimate Convention, whilst adopting points from both of them, was mainly based upon the principle of the British proposition.

The Convention provided for the establishment of an

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International Prize Court, consisting of fifteen judges, who must be "jurists of known proficiency in questions of international maritime law, and of the highest moral reputation." Nine of these form a quorum, and the judge appointed by Great Britain must be summoned to sit in every case.

The Convention has been signed by thirty-three Powers, including Great Britain. The latter Government postponed signing it until the Powers could agree upon a code of maritime law affecting prizes, and signed it only when this code had been embodied in the Declaration of London. But the Convention still requires ratification by the Powers, and it is presumed that if the Declaration of London is not accepted by this country, the attempt to establish an International Prize Court will fail and the whole scheme of international administration of justice formulated by this country and pressed upon other Powers by this country, will have to be abandoned.

Thus, it is not too much to say that upon the ratification of the Declaration of London by Great Britain rest the reputation of this nation for consistency in policy and its future success in furthering the cause of international arbitration. The reasons against ratification ought indeed to be overwhelming before they are accepted by those who wish to maintain England's moral influence amongst the nations of the world.

THE OBJECTIONS TO RATIFICATION.

THE PRIZE COURT.

The question is now being widely discussed as to whether the Declaration should or should not be accepted by the British Government. The main reasons that are urged against it may be shortly stated and answered, as follows :

The first objection is to the Prize Court itself. Great exception is taken to the proposal that this country should submit questions affecting the rights of itself and its subjects to the jurisdiction of a Court consisting of foreigners, amongst whom we shall only have one repre-

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sentative, and of whom some are appointed by small and comparatively unimportant states.

But the answer to this is that such an arrangement will be far preferable to the present system, as may easily be shown by the following cases. Let us suppose a war in which we are neutral, as, for example, a war between Russia and Japan in which the Russians seized one of our trading vessels. Under present conditions the ship is taken to a Russian port and the question of condemnation or compensation is settled by a Russian judge without any appeal from his decision being possible. Under the system proposed by the Declaration the British shipowner would have recourse to a Court of Appeal on which we would have one representative, and of which the great majority of judges would belong to neutral nations. Again, take the case of a war in which we ourselves are engaged ; say, a war with France. A neutral ship bound for England is captured by a French cruiser. Under the law as it at present stands, she would be taken to Cherbourg and there her destiny decided by a French court without appeal. No one can doubt that the proposed International Court of Appeal would afford a better protection to our supplies than this. Lastly, consider the case of a neutral ship captured by our own fleet. We bring her to England and try her in a British court. Here, of course, at present, we have an advantage in that we could do injustice, if we wished to. But in practice our prize courts administer justice, and the new International Court will have to do the same, and even if it should overrule our court and let the neutral ship go free, we would not suffer much by this, and we should gain by being spared the danger of seriously offending a neutral state at a moment when we were struggling against a powerful foe.

THE EFFECT UPON BRITISH INTERESTS.

The second objection raised is that in codifying the law of capture at sea, our representatives have accepted provisions that are against our own interests and in favour

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of other nations. Even if this be the case, two important considerations have to be borne in mind.

Firstly, it must be remembered that International Prize Law has grown up through the writings of jurists of various nationalities and by the decisions of prize courts in different countries, and under these circumstances it is not astonishing that the law should be differently understood and differently administered in different lands. Those who suggested and agreed to a codification of the law well knew that it could only be accomplished by every nation sacrificing something of its own views for the purpose of obtaining uniformity, and the several Governments in agreeing to join in Conference for this purpose were bound in honour to meet each other-half way as far as they could consistently with their own national interests.

That this view of the situation was acted upon by the representatives of all the Powers is evident to any one who reads the account of their deliberations. In many respects the concessions made by the delegates of other governments, especially those of Germany and Russia, were more extensive than those which Great Britain granted. In fact, the Declaration of London represents far more closely the Prize Law as laid down by English courts, than that hitherto administered by foreign courts.

A good example of this process of approximation to each other's views is afforded by the discussions on the subject of food as contraband. Russia and Germany held the view that food should be treated as absolute contraband, that is to say, material of a nature so specially suited for fighting purposes that a nation is justified in shutting it out entirely from the enemy's territory. England, on the other hand, has always recognized that it is permissible to import food for the use of non-combatants. Between these two extremes lay a broad gap; but when the advocates of each nation met, on the one hand, Russia and Germany admitted that, even by their law, food, to be "contraband," must be food suitable for the use of troops; whilst on the other hand it was clear that the prize courts of England had never gone to the length of allowing

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neutrals to import food into her enemy's land when it appeared that such food was intended to assist the actual combatants.

Thus the gap was narrowed until both sides admitted that true international law proceeds along a middle channel and one which became capable of definition in the Declaration of London.

Food is now declared not to be absolute contraband, but contraband conditional upon the circumstances of the case. If it is destined for the use of a belligerent government it is forbidden, but not so if it is for a non-combatant population.

A CODE OF EXISTING LAW.

The second point that must be clearly appreciated is that notwithstanding the divergence of views, the Declaration of London is really what it was intended to be, namely, a code of existing law. The delegates were not authorized to make new laws, but only to try to discover which of the prevailing laws could be said to be so far generally accepted as to be translated into a code.

The objectors complain that certain contentions that Great Britain has put forward have not been given effect to in the Declaration. This is true; but these have been contentions which Britain has indeed constantly advanced, but which other Powers have as constantly repudiated. For instance, Britain has always protested against the destruction of neutral prizes. The belligerents have always insisted that under certain circumstances such destruction was permissible. So far as custom in this respect has resulted in the establishment of a law, the foreign contention has undoubtedly been justified, and in a war in which Great Britain might be engaged, there can be little doubt but that in certain events she herself might take advantage of this law in order to destroy prizes. It may or may not have been desirable that the British delegates should have tried to introduce into the Declaration of London a provision prohibiting absolutely the destruction of prizes; but if they had done so they would certainly not have been registering what is existing international law. They would be making a new law as to

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which much might be said, for and against, both in this country and elsewhere.

The fact is that we are not entitled to reject the Declaration of London on the ground that it does not do what we should like it to have done. We must confine our consideration to the question as to how far it does or does not depart from the existing law, which if we were unhappily plunged into war, we should find ourselves subjected to whether we liked it or not.

Bearing this in mind, let us pass now to a consideration of some of the details to which objection is being taken at the present moment.

OUR FOOD SUPPLY.

Amongst the criticisms that have been levelled against the Declaration, the one that has attracted most notice is the allegation that under its provisions this country will be placed under serious disabilities with regard to its supply of food in the event of its finding itself at war with another nation.

If this were so, the Declaration would indeed constitute a grave danger, but a close investigation of the subject reveals the fact that if we were at war at this moment, our position in this respect would be far worse under the existing maritime law than it would be if the Declaration of London were in operation.

If we were engaged in a life-and-death struggle with Germany, and the German fleet were powerful enough to be patrolling the oceans, what could Germany do under her present law and practice? She could treat all food stuffs as absolute contraband, and she could seize every ship bringing corn to England, and even a ship bringing corn to French or Dutch ports if that corn were destined for Englishmen. She could strike at our Russian corn trade, our American corn trade and our Argentine corn trade, and capture their vessels the moment they had set sail. She could take them into German harbours and condemn them in German courts. She could blow them to atoms if she liked and could only be made answerable for this before her own national judges, and even there her reply would be conclusive: that corn is absolute con-

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traband, and she was free to do what she liked with it. If, instead of this, the Declaration of London were in operation, Germany could do none of these things. If an American ship was captured bearing grain to a corn merchant at Gloucester, the captor would have to let her go on her way, and if he did not do so, America, as a party to the Declaration, would insist upon Germany observing its rules. If a French ship were sailing from Argentina to Havre loaded with meat addressed to a London butcher, she would have to be allowed to go free, otherwise France would protest at once. Even if the ship were bound to Southampton, the captain would have to respect her cargo, since the International Court must decide, first, whether Southampton is to be regarded as a base of operations, and, secondly, even if so, the food was really intended for the English fighting forces.

BASE FOR ARMED FORCES.

The opponents of the Declaration have, however, argued that the provisions of the Declaration with respect to the ports of destination may be so construed as to allow of an enemy seizing ships bringing food to England, for whatever port she may be bound. This objection arises from the fact that it is laid down in the Declaration that if the destination of the goods is a fortified place belonging to the enemy or other place serving as a base for the armed forces of the enemy, such goods may be treated as contraband unless the owner can prove that they are not intended for the belligerent's government. It is contended that this provision would enable a nation at war with us to prevent food from entering every important port in this country. This contention arises through lack of knowledge of what is the existing law on the subject. It is no novel proposal that food destined to a base for armed forces may be seized as contraband. In our own wars in the early part of the last century our own courts have constantly condemned or released vessels bearing food to the enemy's ports, according as those ports were or were not ports of naval or military equipment. For example, they have condemned goods going to Brest, on the ground that Brest was a great naval base, but they have allowed food

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to be taken into Amsterdam for the reason that, although Amsterdam was used for fitting out ships, it was far more a mercantile port than a naval base. The question of what constitutes a base for armed forces, even if the Declaration of London is adopted, will still be regulated by the Case Law on this subject, and it is almost impossible to conceive, in view of what has hitherto been the accepted law, that such places as Glasgow or Liverpool or London could be held to be ports of this character.

As regards food, our delegates really obtained very valuable concessions in the consent of foreign Powers to cease to treat it as absolute contraband. This concession on the part of Russia and Germany especially, was not due to any disregard of their own national interest, but to the fact that they realized that the moral sense of mankind has been tending in the direction of protecting non-combatants from starvation and of abandoning practices which, after all, are only remnants of a barbaric age.

THE CAPTURE OF PRIZES.

The next criticism of importance is based upon the assertion that the Declaration of London will permit the destruction of neutral prizes instead of compelling them to be brought home and adjudicated upon by a prize court. This is both true and untrue. The Declaration does contemplate legitimate destruction of ships in certain cases, but in the first place it lays down as a general rule that a neutral vessel may not be destroyed by the captor, and then strictly defines the conditions under which exceptional destruction is permissible, and destruction other than that effected under these conditions will undoubtedly be condemned by the International Prize Court.

By the Declaration, destruction is only to be allowed when it is clearly necessary for the safety of the warship or the success of its operations. As to this, all that can be said is that although Great Britain has invariably protested against the destruction of neutral vessels as a general rule, she has been compelled to admit that there may be circumstances under which such destruction is allowable. This being so, someone or other has to decide whether such circumstances exist or not. Under the

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present law the captor's own courts decide this. Under the Declaration of London, the final decision will rest with the International Court. This Court will have before it a Convention agreed between all the Powers of the world to the effect that, *prima facie*, destruction of neutral ships is forbidden, and will then decide whether the special circumstances bring the case within the exception laid down in the Declaration. Surely all nations alike, and England in particular, when neutral, stand to gain by this arrangement. When England is belligerent, this rule is of course a new weapon in her hands if she cares to use it, whereas in her opponent's hands it is a weapon already possessed and already made use of.

CONCLUSION.

Other objections have been brought against this great international agreement. Each one of them can be similarly criticized, but even if some can be substantiated, they amount to little in comparison with the benefit that will accrue to humanity generally from the establishment of a code of law agreed upon by all nations, respected by all nations and administered by a Court enjoying the confidence of all nations and charged with the solemn duty of putting into force the moral sense of justice which pervades the world.



MR. MALLOCK AND SOCIALISM

BY BASIL DE SELINCOURT

MR. W. H. MALLOCK'S *Critical Examination of Socialism* was written with the ability characteristic of its distinguished author. It was followed lately by another volume dealing with the same subject and entitled *The Nation as a Business Firm*. Socialism apparently survives; and if no more could have been expected, the disappointment may have been due in part to a flaw in Mr. Mallock's methods of reasoning. His confidence in the validity of his conclusions leads him sometimes to call upon the Law of Uniformity itself for their endorsement; it is so clear to him that facts are on his side that he will use that fact itself as a final argument, not without the implication that those who do not see it are feeble-minded—are Socialists, in short. Frankly, an attitude like this is not calculated to make controversy fruitful. We all know that our object when we argue is to get at the truth, and that there is a truth to be got at which argument cannot change. A silent referee sits, we are aware, and arbitrates wherever a dispute goes on, and, although the verbal victory may fall on this side or on that, there is no juggling with the one judgment that counts. Even the Socialists, deserving, as they no doubt do, many of Mr. Mallock's strictures, are aware of this; and it might be as well even for Mr. Mallock to remember that he is himself only a combatant, and not the referee.

The question which Mr. Mallock believes to be decided is a question of vast range and incalculable moment. What disposition of society is it, what plan of government and organization to which the Law of Uniformity, the persistent facts of Nature, give their sanction, as answering best the various needs of man and as best issuing from and procurable by the mental and physical machinery he is provided with? Probably no serious-minded politician is sure that the system which

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has ruled the development of civilization during the last hundred years is one which can be successfully carried on into the future without revision. Wonderful advances have been made. The diffusion of culture at the present day surpasses anything which has been known hitherto in the world's history. The conveniences of life are served and its possibilities widened to a degree undreamed of by earlier generations. There is even an increasing belief in the possibility of general goodwill among men. But side by side with this, proceeding automatically out of the system under which these amazing benefits have been conferred, there have been, and there continue to be, produced on an enormous scale conditions of life which, by all who have to do with them and by all who enjoy a broad and provident outlook over human affairs, are recognized as constituting a grave menace to the general health and sanity, as likely to destroy the delicate social equilibrium and perhaps even to issue in some destructive revolutionary upheaval.

The system I speak of is known generally as the Modern Industrial System, and Socialism may very well be described as a protest against the negative aspect, the element of failure and menace which has accompanied its success. Socialism and Industrialism were born together and have developed side by side ; and it must be admitted, that, considered numerically, the mass of Socialists have been uneducated men. The amazing benefits just referred to were not equally amazing to everybody concerned ; a large class of the community actually suffered or thought it suffered under them. Suffering, even if it is only imaginary, does not conduce to clearness of thought ; and Socialism has not been remarkable, as Mr. Mallock points out freely, for logic in its arguments or consistency in its claims. It pains Mr. Mallock to observe that Socialists, who object to greed in others, seem to be crying out for a larger share of good things for themselves (greed consists, however, in wanting, not more than you have, but more than you ought to have) ; and that when they believed, as in their unenlightened days they did believe, that manual labour produced everything, they proclaimed it a matter of eternal justice that a man must have all that

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he produced; whereas now, finding that manual labour produces comparatively little, their views of eternal justice have been modified. He points to these and other inconsistencies, and suggests that the conclusion follows of itself. Yet the inference may not be quite so simple as it appears. No phenomena are more complicated than those of the social organism. And the fact that Socialists have not been silenced by their inconsistencies, and that Mr. Mallock and his friends, however many inconsistencies and exaggerations they may succeed in discovering in Socialism, seem quite unlikely to silence them for the present, is a premiss from which we should deduce that Socialism, far from being totally in the wrong, is largely in the right. A fiction falls to pieces as soon as its inconsistencies are laid bare. Perseverance, overriding inconsistency, is an attribute of Truth. Inflated statistics need pricking; but the inflation may have been produced by conditions not recognized by the operator, and his commendable operation has then no efficacy. Call Socialism if you will a disease of the body-politic, and you may judge of its virulence by the outcries of the delirious patient. The extravagance, the nonsense which are associated with the name of Socialism, witness a deep-seated malady. And no cure will operate that is not as fundamental as the disease.

Perhaps it would be as well for me, while still on the outskirts of what I hope to say upon the subject, to admit that I am among those who prefer to remain uncommitted to the Socialist or any other programme. There seems to be no lack at the present time of ardent practical reformers, and probably what is most wanted is an increase in the number of minds ready and able to discover elements of justice in the contentions of opposing parties. It is certainly a weakness in the Socialist dialectics in this country that a well-known body of very able essays is apt to be referred to as though the gospel was contained in it. Different people have different gospels, and a text from *Fabian Essays* is as convincing to some as Mr. Mallock's quotations from the Book of the Uniformity of Nature may be to others. As for myself, if I could claim the name of a Socialist at all, I should probably be obliged to

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class myself with that peculiarly soft-shelled species which Mr. Mallock cannot so much as mention without disdain—I mean the so-called Christian Socialists, for whom the Socialist idea is not exactly fundamental, and who are only attracted to it when it is combined with other ideas less abstract and perhaps more life-giving; who hold, in short, that economics cannot claim a separate universe of their own, and, indeed, that the ultimately most profitable as well as the most productive outlook is that in which machinery of all kinds is relegated to a subordinate position. The chapter in Mr. Mallock's *Critical Examination*, in which he delivers himself of his opinions about Christian Socialism must form, I imagine, more painful reading to those who are not under his attack than to those who are. Religious beliefs are certainly liable to confuse the logic of those who hold them; yet to be quite unencumbered by beliefs of any kind is to have no material on which logic can exercise itself. The mere logician must always be on the horns of a dilemma, threatened on one side by his scepticism and on the other by his credulity. If error is unavoidable, it is better to err from generosity than from stinginess; and on this account the errors of the Christian Socialist school, even when they are obvious, can never fairly be treated as despicable, whereas the more strait-laced economists who bow the knee to an abstraction open themselves at their first false reasoning to the accusation of having sinned against the light. However, whether Mr. Mallock is or is not justified in his attitude of disrespect, no one can doubt that the increasing tendency in commerce, a tendency palliated by the logic of the abstract school, to regard justice and honour as consecrated shadows, unremunerative and therefore irrelevant in industrial affairs, has exercised a most baleful influence, and is spreading poison to every branch of social life. To say that the word business begins already to carry contamination with it is to repeat a commonplace. Yet Mr. Mallock's book is based upon the familiar presupposition that industrial enterprise is the test of the vitality of a nation, that national prosperity can be gauged by the amount of the financial turnover. To each and all of us, in this view, our fortune is trade, and it is on the

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power of trade that we rely to secure us our position as leaders of the civilized world. Yet, if there be no escape from the implications of Mr. Mallock's doctrine, we have to recognize that we are devoured, in the very foundations of our strength, by rottenness and degradation. The narrow measures of commercial intrigue, the perpetual suspicions of sharp practice, the avowed necessity for each individual of playing only for his own hand, the foolish suicidal rejection of all essentially civilized and human motives, deserve no better title. How simply, then, is the line of escape to be indicated! Honour and truth and justice may often be inconsistent with private gain; they never are with public. There is the distinction that upsets half Mr. Mallock's brilliant logical displays. You cannot estimate the public wealth by merely adding together the financial assets of individuals; neither does it follow, because a man has made a fortune, that he has enriched the world. Mr. Mallock speaks constantly as if it does. This is a fundamental fallacy in his position; and it is not Socialists only who part company with him over it. Public wealth, as all the leading minds of the world have recognized, is not expressible in terms of private gain.

Privatus illis census erat brevis
Commune magnum.

But let us turn now to a more precise consideration of a few of the arguments which Mr. Mallock uses in defence of the industrial position as it exists at present. The statistics which he marshalls so ably in *The Nation as a Business Firm* need not detain us; we merely remark in passing that the monetary incomes of the very poor at the present day are not really comparable to the monetary incomes of the same classes fifty or a hundred years ago, not only because money itself is so much cheaper than it used to be, but because in earlier days a much larger proportion of the incomes of the poor came to them in kind. Both these factors should have been estimated and allowed for if the result was to have weight. The *Critical Examination of Socialism* is a far more important utterance; and undoubtedly the most important section of it is that

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in which the author comes to close quarters with his opponents over the question of the morality of interest, one of the few abstract questions to which in *The Nation as a Business Firm* he recurs. I have long been convinced that this could not fail to reveal itself ultimately as the centre of the whole dispute ; but the complication of our modern system is so enormous that the truth of the matter seemed bound to continue hiding itself, to use a charming simile of Mr. Mallock's, like a mouse under a tablecloth, as indeed it has hid itself so long ; so that by shutting your eyes and pushing the offensive rodent in your neighbour's direction, you could always maintain that the cloth was equally and fairly spread ; which, indeed, in his last book Mr. Mallock does most impressively, whittling away the difference between earned and unearned incomes until the tempting conclusion that all incomes really are earned must, for such as are open to the temptation, inevitably follow. But the serious tone of the discussion shows that the question is not so far from the range of practical politics as it used to be, and if a champion of Mr. Mallock's ability has nothing better to advance in favour of interest than is advanced in these two volumes, it cannot be long before the main points on the opposing side are, in theory at least, established. A practical protest, such as has long been made by the Quakers against war, and involving a severe burden upon its initiators, would seem to be then the only condition wanting for the general enlightenment of the public. In order to reach any kind of clearness in discussion of the subject, we have to start by recognizing that the point we are concerned with is a point touching *rights* in the matter of *property*. And these rights have to be looked at, as Mr. Mallock frequently reminds us, in two ways. There is, on the one side, abstract justice which cannot ultimately be kept out of count. There is, on the other, practical possibility, as determined by the social organism as we know it and by all that history has taught us of its various tendencies and limitations. It may be right, in the abstract, that a man shall have certain things ; it may be difficult, in the concrete, to devise any scheme which shall enable him to get them. Thus we have to temper our

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sense of the ideal right by a recognition of the conditions under which it is to be fulfilled ; and these conditions render some things feasible and others not. At the same time it is essential to keep these two considerations distinct, and Mr. Mallock shows a tendency to confuse them. Practical possibilities are, at present, all in favour of a certain class of men called capitalists, and Mr. Mallock suggests that it is just that the capitalist should draw his "unearned" income because the arrangement is one that society finds it can enforce. But this is a two-edged argument. It is of course fruitless to talk of justice unless we can produce a practicable scheme for carrying it out. Yet practicability is not justice, and it may not always favour the capitalist. Mr. Mallock plays here into the hands of the less scrupulous of his adversaries, and announces a doctrine which might have terrible consequences. Conformably to this doctrine, the "justice" of the future might consist in the conditions dictated to society by the hired partisans of labour.

Let us consider, then, anew what abstract justice may have to say touching the rights of personal property. The difficulty of approaching this question is that it is the nature of abstract justice to concern itself with problems of a much finer kind than that of the division of the world's material goods. To understand justice involves understanding the various interplay of man's faculties both as an individual and as a member of society, and the apprehension of these things is a mental exercise which tends to reveal the inconceivable complexity of social life and to bring out all the dangers of rapid dogmatizing even about a matter apparently so simple as property and its rights. The foundation of Mr. Mallock's position, as I understand it, is the same as that of the early Socialists : that a man has a right to what he has himself produced. He occasionally makes a kind of ornamental reference to ideas such as that of the "general welfare" of society, and admits that rights may be qualified thereby. But he believes that the individual consults the general welfare in consulting his own ; and he can more securely lay down his axiom that a man has a right to what he produces, because in this some Socialists have

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agreed with him. Abstract justice, however, refuses this axiom its support, for the simple reason that it is only certain kinds of productive activity, and generally the more elementary kinds, that issue in those material products over which the right of property can be exercised. Production could only in justice carry proprietary right if it equally carried the right in every case. Since that is impossible, the retention of the right in the cases where it can be exercised is obviously unjust. Moreover, the word production itself needs to be scanned very closely, as an example will show. Suppose that it is a man's achievement to get two million boxes of matches a day out of conditions from which other men get only one, the additional million boxes are no doubt his production, and over this production, according to Mr. Mallock and the early Socialists, he will hold proprietary right. But how unlikely it is, human conditions being as we know them, that this additional million boxes will be the only thing he has produced ! True, the instrument of production may have been an advanced organizing ability, but it may also have been a less scrupulous conscience or a more domineering temper ; in which case the production is not only matches, but a further oppression of the oppressed. These by-products must never be lost sight of while abstract justice is our theme. If the production of the one and that of the two million boxes is to be compared justly, all the circumstances of production must be compared. By hypothesis, both men must begin with the same conditions ; with the same conditions, also, both, if the comparison is to be a just one, must leave off. Say that one man produces one million boxes, the other two million and ten cases of phosphorus poisoning. The matches, in Mr. Mallock's view, are now his property, because he has produced them ; and is the poisoning, which also he has produced, to belong to some one else ? Not according to abstract justice, clearly. But we shall be told that production is a politico-economical term, and that the contingencies we have spoken of—such things as oppression and disease—are outside the domain of that science. It would make no difference if they were ; but the view is in any case a false one. In political economy,

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as its very title shows, we consider production from the standpoint of the community. And this is by no means an ornamental consideration. The State, moreover, has a strong practical claim. The producer of the million matchboxes has no use for them himself; he produces them because he wants other things; and he would never be able to get the other things he wants unless the State provided security for commerce and a medium of exchange. All the complex commercial dealings of the present day are carried on under the sanction of the community and could not conceivably be carried on without it. Logic, therefore, demands, political economy demands, that if we are to consider, not feasibility, but justice, we must understand the word production in a fundamental sense and place our idea of it in relation to our idea of society as a whole.

Taking this point of view, we are enabled to see more clearly that the multiplication of material things, far from being the only kind of production, is not necessarily production at all. For articles are not produced like rabbits out of the conjurer's hat. The appearance of a new article does not warrant the conclusion that the nation's wealth has been increased. To be, in this fuller sense, a production it must be a benefit, and a benefit in the whole process of its manufacture as well as in the result. We must go behind the appearance and discover how it has been produced, and why. But, by the time we have come to view the matter in this light, we shall have convinced ourselves that, so far as abstract justice can assist us, property and production do not involve one another. The wealth of the world consists, as Mr. Mallock points out, mainly of machinery; but he admits that machinery would be of small value without directive ability, producing and maintaining it. This directive ability is, from the standpoint of political economy, the ultimate machine; for upon its efficiency depends the efficiency of all the rest. If we ask, upon what does the efficiency of this depend, the reply is education. Education is indeed the final secret of production, and the richest producers are the educators of mankind. Reflect, then, upon the salaries of those picked men whose

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production, nationally or imperially, would be estimable in millions if it were estimable at all, and contrast them with the dealer in pig-iron or the speculator on change, pocketing a thousand pounds a week !

No one thinks that schoolmasters should receive £50,000 a year. But suppose some supernatural agency gave them the power to withhold their activities except on recognition of a right to participate in the results ; suppose, in short, they were able (like the improvers and organizers of less intricate machinery) to take interest not only in but "on" the future successes of their pupils, their incomes would go up amazingly. They cannot claim the income because, although they have transmitted capital, they have, by transmitting, lost control of it. They have lost what they cannot recall. They are the great producers of the world, but their product can never be their property. A man's production, we realize, consists not of things only, but of the forces and faculties which but for him would have remained unserviceable. The best, the most fruitful part of his production, is precisely that part of it which is least definable, which no lawyer could prove him to have produced. This then is the injustice involved in connecting property with production, that the test of property is necessarily material, whereas in production the reverse is the case. It is a condition of property that it should be definable : that only is mine which I can if I will prevent my fellow men from making use of. But let a man produce such things as are most worth producing, and at once he leaves this condition far behind. What a pity it would be if schoolmasters could tax their pupils !—fortunately they cannot. What a mercy if millionaires could not make levers of their millions !—unfortunately they can.

Now Socialism—as a thinker so acute as Mr. Mallock is well aware—is fundamentally a protest, not as some suppose against property itself or the unequal distribution of it, but against an organization built up upon its negative, its exclusive aspects. The belief is that there is a better organization possible, an organization which will be better, not by the abolition of property, but by the safeguards it will provide against certain abuses to

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which property is liable. And surely the fair give-and-take of life, which, since the rise of the democratic idea, has become the postulate of progress, demands a clear recognition of these abuses. Is a man's property to be increased to him because he thinks he has made himself indispensable and dares to use coercive measures? Is he to be allowed to make a corner in kettles and saucepans and to dictate to mankind the terms upon which they shall cook their food? The formula, "I made this; it is mine," might be acceptable if we could apply it equally to everything that we make. But since we cannot, since it is useless except in relation to the kind of product that can be put under lock and key, or watched by a policeman, does not the result of accepting it appear in an accumulation of injustice and a vast increase of power in the hands of men who are unfit to wield it?

It is true, of course, that the abuses to which property is liable are so clearly seen by Socialists that they are apt to overlook or speak as if they overlooked its uses. They have damaged their cause immeasurably by wild dallying with communistic ideas. Let us make a passing allusion, therefore, to property upon its positive side. Property, thus viewed, is the extended expression of the owner's personality, or the means to such expression. The more highly developed the individual the more he tends to make all the conditions in which he finds himself unique. Of any man of commanding individuality we note at once that everything he touches becomes in this sense his property, that it changes in its very essence through the personal relation to himself. And whenever this personal relation is set up, it is of high, one might say of ultimate, value, and the mere possibility of it extinguishes the cruder communism. Certain things, moreover, are in their nature shareable, and the more they are shared the more their value is enhanced; others are always personal, so that to share would be to destroy them. There are Socialists who advocate State nurseries. Need it be said that the family and its claims are the Alpha and Omega of property, the impregnable stronghold of individualism?

If we are to reach a conception of what abstract

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justice demands in the matter of property, this positive aspect, the very life of property, must be kept prominently in view ; we shall need, moreover, to consider men rather than things, and to aim at a delicate adjustment of the claims of the individual on the one side and the welfare of the community on the other. So far as the individual is concerned, we have seen that production provides him with no formula for his claim ; his claim rests clearly upon the amount of service he has rendered to the community. So far as the community is concerned, we have to remember that nothing is more essential to the maintenance of its vitality than the utmost development and diversification of individual character. Thus while we agree that property can only in justice be claimed as a return for service rendered, we have to insist that nothing could be less to the general interest than that the material things, whether few or many, in which a man's personality expresses itself, should be curtailed. For the best thing a man produces is, simply, himself ; and the object of the State is to secure to all its citizens complete facility for self-production.

So much for abstract justice, the dictates of which cover, as we foresaw, so wide an area that property as required for commercial dealings occupies an insignificant place. Can none of these abstractions be translated into feasibilities or brought into definite relation with the practical life ? Our main object is to secure the priority of men over things, to devise a conception or regulation of property in which this priority shall be expressed. We want the distribution of material things to be determined by an understanding of the ideal as well as the formal title to their possession. The material things must be subordinated, the men must cease to be regarded as pegs on which their property is hung. Our first object, therefore, must be to avert the possibility of any kind of automatic accumulation of material things in the hands of individuals. And since material things—or many kinds of them—do increase thus automatically because of the reproductive power and latent energies of nature, we take the first step to practical application of our idea in recognizing that all sources of natural increase and revenue

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should be put beyond the domain of personal property altogether, that it should be out of the power of any individual to possess them, that they are essentially for common use. This is the belief which I understand to be summarized in the Socialist attack upon interest.

Mr. Mallock has two chapters for the defence, and as the first is entitled "Interest and Abstract Justice," we may conveniently deal with it here. His argumentation savours rather too obviously of sleight-of-hand. With great rapidity he slips into the position that abstract justice consigns the production to the producer; and, taking that idea for granted, reaches his foregone conclusions by a logic which is more verbal than real; distracting attention afterwards by a quick proof of the irrelevance of all questions of abstract justice altogether. The discovery of this irrelevance follows naturally upon the attempt to attach abstract justice to a formula which, as we have seen, is much too simple to be true!

The process by which Mr. Mallock shows the identity of principle governing interest as yielded by capital in the form of machinery and capital in the form of flocks and herds—that both alike depend upon the power and productiveness of nature—is an acceptable contribution to the Socialist argument. All increase is from one source. All our machines are driven by the same impetus; all our ingenious devices presuppose life, energy, fertility, whether in seed of plant or animal, or in water, earth or air. The foundation of the Socialist position is the belief that this ubiquitous fertility and power is not a thing over which individuals should hold exclusive rights. The present organization of society allows them, and the result appears in colossal accumulations of wealth on one side, and on the other of men who live on sufferance—men whose incomes charm the statistician, but whose money is ear-marked, half of it, before it goes into their pockets, and who cannot with the other half get any of the things that make life worth living. How comes it about that society tolerates an arrangement which puts some men in a position to exercise so portentous a leverage over their fellows? This is the crucial question, and Mr. Mallock seems, in replying to it, to shuffle and to forget his

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allegiance to the Law of the Uniformity of Nature. In his chapter on Christian Socialism he dealt very hardly with a gentleman who hazarded the harmless view that the power of invention was the root of the increased wealth production of modern times. "If," replied Mr. Mallock, "men such as the steel kings and oil kings did not work inventions for all they are worth, the inventions themselves would be worth practically nothing." Surely, then, it is a pity that when he comes to deal with interest he chooses invention as representative of the faculties which give men control over capital ; and it is a pity that he does this, not only because he has elsewhere loudly denounced the notion that it is so, but also because, if it were, there would be so much more to be said in favour of the present system than there is.

But Mr. Mallock has introduced a further confusion into his argument in the person of Mr. Bernard Shaw. Mr. Shaw is a Socialist who writes plays ; and all works of art are inventions in their kind. Mr. Mallock treats them as if they were inventions of the same kind as machines, and says that the royalties on a successful play are interest. But a play or a work of art differs from a machine in two important respects. In the first place, it has no productive power : it does not tap the well of Nature. It is a product, not a means to production ; it is a self-sufficient, finished thing. So far as the playwright says "You shall not enjoy my product unless I choose," he resembles the capitalist or patentee, because he exercises rights of exclusion ; he differs from the capitalist because the right is exercised over a different kind of object, an object which is in its nature unique and which is unique because of its relation to himself : it is a part of himself ; it is, in the fullest sense of the word, his property. And no one but himself could have produced it. There was no question between Milton and Marvell who should be first to bring out *Paradise Lost*. Mr. Shaw proceeds with his new play at leisure. But the case of the scientific discoverer is entirely different. His field is in the nature of it universal. Few no doubt can enter, because few possess the special ability without which entrance is not to be won ; once reached, however, its treasures are the

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same for all. Even a discovery so amazing as that of the principle of evolution was made by two men simultaneously, and it would have been made by somebody else if it had not been made by them. There comes a time when knowledge cannot any more lie hid. And what is made known or knowable is common property. Geometry no more belongs to Euclid than matches to Prometheus. The same is true of all mechanical invention. A certain amount of the individuality of the inventor appears no doubt in many mechanical appliances. But the individualities are the weaknesses. In a work of art its individuality is its strength. The relations of a playwright to his play and of an inventor to the machine he has invented are thus quite different in kind, and Mr. Mallock ought not to have confused them. Throughout this first chapter of his he obscures the fundamental issue altogether. Rightly taking machinery as a type of capital in modern times, he proves that interest fairly accrues from it (1) by speaking as though such interest represented the earnings of the inventor, an idea he ridicules elsewhere; (2) by identifying it with a playwright's royalties, which it resembles only so far as both are more or less arbitrary exactions: the whole being based, as we have seen, on the loose assumption that a man's "production" is his property.

Capitalism, as exercised at present, has really very little connection with all this. Mr. Mallock, like other economists, is so much charmed by the task of showing where interest comes from, what it represents, what makes it possible, what makes it desirable, etc. etc., that he quite forgets to tell us what, in the last resort, it is. Of course, the capitalist may be an inventor, he may be a business manager, he may be a playwright, he may be a political economist, he may be the father of a happy family, he may be a hundred other things. But to know what interest is, we need to see his capitalism in its essence, we need to see what he is or would be if he were a capitalist and nothing else. Now, undeniably, the capitalist, as capitalist, is the man whose power is expressed in terms of money and the control which money brings; in this capacity he finds inventors much as he finds labourers, "like

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wheels, driven by an eternal stream, which must turn and turn for ever." Of course it is the productiveness of nature that makes capitalism possible, and invention is a part of that productiveness just as machines are. Machines and inventions concentrate and enhance it. But the capitalist, in essence, is not the man who directs and organizes these things, but the man who because he has money might if he chose put a stop to them, who permits them to go on so long as a tax is paid to him out of the proceeds. One of the most pertinent questions asked by Mr. Mallock is the question why, whether morally defensible or not, interest is actually paid? He evades the answer by recourse to inventors and Mr. Bernard Shaw. The truth is that interest is paid by persons who desire access to the productive powers and agencies of nature to other persons who are in a position to deny them such access if they please.

In exercising this power of denial, the capitalist, of course, is doing no more than asserting his title to his possessions, the test of property lying, as we saw, in the owner's ability to exclude others from the enjoyment of it. But it is this necessary foundation of exclusiveness which makes the question of property a burning question. A play which a man has written is, as we have seen, much more deeply his property in one sense than the machine he has invented or the articles he has produced. But it is in this sense less his property that, if he kept the machine or the articles for his own pleasure and service, he would not lose all the good of them, whereas the play, if no one read it, might as well or better never have been written. His property in the play (apart from royalties) grows in value according to the extent which others share in it, and it is against his interest to exclude the world. A work of art is thus, in extreme form, a type of the kind of property which to be understood must be approached not on its exclusive but on its inclusive side. Most property owes a part at least of its value to a shareable element of this kind, and the peculiar evil of the present economic system consists in the disproportionate influence attached by it to property the action of which is purely exclusive. One of the strangest of contemporary phe-

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nomena is the allegiance professed by our class of landed proprietors to financial principles, by which their position, including all the honourable associations that link land-tenure with aristocracy, is necessarily undercut. There was, of course, a time when the type of revenue-bearing property was land ; and that time is not so long past but that Mr. Mallock finds it necessary to show that machinery has the same reproductive properties. The power of capital is not, however, typified at present either by land or by machinery ; land and machinery remain, of course, necessary conditions, but the determinant is simply paper and the stroke of the pen. The change is momentous, and amounts indeed to little less than a concealed, an automatic, revolution. For when land was the type of capital, the power of capital was exercised through a medium which, being capital, was also something more. Originally it was the owner's duty to defend his land ; and his title therefore resided partly in the strength and efficiency of his retainers. Even when this obligation lapsed, his property, so long as it was in land, was as it were his personality extended for the world to see. It was a source of revenue, but it might also be a source of pride or shame. Duties were obviously attached to it as well as privileges ; and the best type of English landlord felt always, as he feels still, that his moral security in ownership was founded upon the benevolent and beneficent influences shed by him on all who lived on his estate. But the specialization of modern commercial methods, the necessary complexity of the international mechanism in finance, makes that happy state of things little more than an interesting survival. The rights of property have been more and more abstracted from the material over which they profess to be exercised ; and in the process of abstraction there has disappeared, inevitably, that sense of personal responsibility which only immediate touch with the material could keep alive. The result is a rout of the propertied class, in the good old sense of those words, and the triumph of mere money-makers—men who are allowed to hold the world's vast productive forces in their hand and to play with them as with a pack of cards. Mr. Edmond Kelly's chapter on Money, in his

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lately published *Twentieth Century Socialism*, exemplifies very clearly the nature of a modern financial crisis, shows the type of man who has or may have jurisdiction at such a time over the property and even the lives of millions, and reveals the motives by which he is likely to be actuated.

Mr. Mallock's second chapter on Interest is a reply to certain specific Socialist attacks. It would be waste of time to examine this chapter very minutely, since it is advanced as no more than a piece of dialectic, and is weak as such. Mr. Mallock limits himself to the criticism of one proposal, the proposal to limit rights of bequest so that interest could not be drawn on inherited wealth, attempting to demonstrate that such a curtailment of their rights would turn all propertied men into spendthrifts. The demonstration fails because it becomes involved in one of Mr. Mallock's prejudices. Not being able to believe that anyone but a fool can be a Socialist, he assumes that the enactment of a Socialist measure must stultify even the wise ; and he therefore fails to see that, if a man is unable to draw interest on the fortune he inherits, prudence will recommend him to be more careful in his expenditure rather than less. Mr. Mallock devotes several paragraphs to a very pitiful sketch of an emaciated Socialist Commonwealth, which, having deprived itself of the right to pay dividends to shareholders, wastes accordingly. One of his most triumphant arguments is that the world's goods, if they do not belong to anybody, must belong to nobody—a verbal truth. Capital, if it is to be property, must be his, hers, yours, or mine. But there is a further alternative—that it should not be property at all. And this, the Socialist position, Mr. Mallock never really faces. Listening to some of his arguments one might suppose that the "efreets" prisoned in machinery owed their efficiency to a personal understanding with their master ; yet he has to admit that they will work as well for the investor as for the inventor, and why not add that they would work as well for everybody as they do for anybody ? The rain falls equally upon the just and the unjust, and the idea that the forces and the reproductive power of Nature should be for common use,

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though it may involve other ideas that are startling, is in itself quite comprehensible. Mr. Mallock's rejoinder that capital perishes unless accumulated in private hands is a futility ; it is as if he said that rain will flow into each man's tank but not into the public reservoir. A concrete instance may make the matter clearer. Let Mr. Mallock's wise man, instead of meeting with the unique inventor who was able to give so brilliant and beneficial a turn to his performances, content himself with a normal first-class security, and purchase shares in some home railway company, say at 4 per cent. His capital of £50,000 brings him £2000 a year, and the company is free in the meantime to make engines and carriages with his money, maintaining thereby the efficiency of their service and extending their connections. In twenty-five years' time he will have received from them the equivalent of the entire sum invested ; but the reproductive powers of Nature have not in the meantime lain fallow ; having admitted the company to the use of £50,000 worth of them, he is willing to continue the favour, and Nature on her side is just as willing to produce for him to-day as she was at the beginning. (In *The Nation as a Business Firm* Mr. Mallock hints that at the end of the third generation Nature strikes, but there is no evidence to this effect.) And now suppose that as the years pass by there is a general socialization of capital ; what changes are introduced into the prospects of this individual and of the railway as a running concern ? Our friend is still in possession of £50,000, but it is not, as it was earlier, a vested interest. He has £50,000 to spend or save. Being just as much interested in his family's future as before, he decides—not to play the prodigal—but to reduce his expenditure by half. He withdraws his money, say, at the rate of £1000 a year, and it even occurs to him further that if he cares for more he can work for it, and that his son's abilities are worth developing. However, he and his family have a security of comfort for fifty years at least, and if the family status declines it is only because they are not fit persons to maintain it. But in the meantime, Mr. Mallock tells us, the resources of the railway are diminishing and the engines dropping off the

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lines. Why? One thousand pounds is paid out annually instead of two, with the pleasant prospect of a cessation of payment after fifty years. The difference can be devoted in part to the further improvement of the machinery of the service and in part (since, like the Sabbath, capital was made for man, not man for capital) to an increase in wages and a reduction of fares.

Mr. Mallock concludes his chapter with an argument of profounder significance. The great incentive to wealth-production, he maintains, is the existence of a leisured class. The zeal which men devote to commercial pursuits springs from their desire to found a family, with wealth and all the possibilities it brings with it automatically passing from father to son. Without interest, however, there can be no permanent assurance of wealth, and the great incentive to production disappears. This argument must be carefully distinguished from a later utterance of Mr. Mallock's, in which he suggests that, since the rule is "three generations between shirt-sleeves and shirt-sleeves," all incomes are practically earned; but, in any case, he seems here to be bringing together two facts which, to be seen truly, must be seen apart. Let us admit that the classes now called the leisured classes, people who either wholly or in part depend upon unearned incomes for their livelihood, are not only enviable and envied, but contain also a large proportion of the best, the most efficient, and the most productive minds in the community. Are not these persons, broadly speaking, the vanguard of civilization, and is not interest, therefore, if evil, an evil out of which great good springs? Providing them automatically with the decencies and comforts of life, it enables their minds to expand in an untroubled air; and thus, on a material foundation, the higher life of thought and culture, the only life worth living, is upreared. The mind, coming to better knowledge of itself, throws off the more elementary of its limitations. The spirit of self-seeking disappears because there is no occasion for its exercise; the spirit of altruism is born, and with it the power to take a detached, extended view of the lasting interests of humanity. Without this class, then, there could be no true government; for there could be no minds capable,

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because unencumbered, of grasping the issues on which true government depends. And without government there could be no society ; for all the links that bind men and nations together must at once be broken. Perhaps it is a belief in the necessity of leisure, as a background for the nobler exercises of human activity and the soil out of which they grow, which leads Mr. Mallock to rate family tradition and inherited wealth so highly. It is indeed leisure, rather than money, that gives this class its value in the social organism ; and, if the truth were told, is it not more for their leisure, and the free outlook it makes possible, than for their money, that they are envied ? The money is the most obvious symbol of the life, the most easily imitable circumstance of it. But it is not an essential ; for although the possession of some money is necessary to leisure, leisure itself, and the highest possible intellectual and social development, is compatible with means too moderate to provide any stimulus to the money-maker—means, moreover, which, if the present mad rush for money could be checked, would lie easily and honourably within the reach of all who best know how to use them. And is not this the Socialist idea ? A wide diffusion of leisure which shall diffuse more widely the habit of spirited disinterestedness which leisure brings —this surely is the essence of the Socialist demand.

Not wealth, then, but public spirit is the true hall-mark of aristocracy ; and it is deplorable and disastrous when confusion arises between the two. A curious feature of present day life is the disdain, on one side, for commerce, for the process of money-making, the respect entertained, on the other, for money made. “Get thou *behind me*” is the motto universally adopted, and trade becomes Satanic as a result. This inconsistency, destructive and anti-social in its workings, expresses a truth. For trade is a means only, not an end. The end is leisure, and the only point forgotten is that if the leisure is to be an honourable leisure it must be honourably won. We need to stimulate production, therefore, but a production not of manufactured articles, but of a life of culture, not of machinery but men. Machinery is only useful to us as a means to leisure ; and the more it accumulates wealth in private

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hands the less leisure it produces, because the increase or natural force it liberates, instead of being held in reserve or put to common service, is spent, and spent luxuriously. The use and production of machinery should be governed by a recognition of the ends it is to subserve. Are these ends likely to be held in view while its use and production are left in the hands of individuals who, by hypothesis, are incapable of considering anything but their own advantage? The kettle-maker's advantage is to persuade us that kettles are the end-all and be-all of civilization; how else can his children live on unearned incomes? Trade thus viewed is contemptible, but the fruits are as contemptible as the tree. Mr. Mallock cannot either argue or shame us to the belief that a true political economy has no surer impetus to rely on.

His analysis of human motive is, indeed, strangely short-sighted and superficial. Trade, he says in effect, is for menials not men, and from menials you must expect no motives but such as govern menials. "Disinterested passion for truth" can exercise no influence on the producer of stoves and saucepans. This question of motive is of course the root of the whole matter, and Mr. Mallock's exaggerated talk about heroism and passion is a diversion and nothing more. Heroism and passion belong to another sphere of life. Here we are in the milder regions of emotions, or states of mind, which we only value so far as they are maintained—dignity, for example, or self-respect. We have to ask, not how picked men are likely to conduct themselves in a crisis, but what motives we can rely on to influence normal beings over the even tenour of their lives. Our concern is with the bulk of level-headed humanity whose business seldom involves any agony of struggle and generally entails continuous drudgery. And these pursuits are of course regularly entered upon by men who in their whole conduct of them behave as gentlemen, distinguishing mean self-interest from honourable advancement. How remarkable is the competition for minor salaried posts under Government! The best-educated men in the country clamour for work which in the main is hardly more interesting than a clerk's, and only in its advancing stages

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asks more than a clerk's intelligence. Yet they are neither heroes nor saints. They are attracted by a settled life-income with pension, and by a professional outlook to which the stigma of self-interest cannot be attached. Clearly there is no more emotional satisfaction to be derived from supplying the village school with copy-books than the village market with fish. Government undertakes one of these offices at present, and not the other. Were it to undertake both, there would be the same competition for posts on either service; and even if business methods were sometimes violated, what an enormous economy would result from proper control of coast and river waters, from cessation of the artificial destruction of fish to keep their price up, from scientific breeding and preservation of valuable species. There is hardly a trade in which the overvalued stimulus of self-interest is not balanced by a kind of loss which must automatically cease as soon as the true end of commerce and production came within its view. How many manufacturers are without their highly-trained scientist or engineer, diligently occupied in discovering what rivals already know, or hiding what he hopes they do not? How many millions are to be put down for advertising, travelling, and the myriad devices by which directive ability finds customers, encumbering the public with useless articles or enticing it with specious offers, which time explains?

In answer to this an appeal is often made to English instincts of freedom; only, it is said, from personal endeavour and the unmediated clash with circumstance springs the fibre of a commanding individuality. The life of the State is in its citizens, and to soften the conditions of existence is to produce a soft-shelled race. The contention is a true one, but is it relevant to the case? Socialists have no doubt damaged their cause by mad talk about equality. But does that make it advisable for gentlemen who are living in glass houses to throw stones? Is it wise for those at the top to admit to those at the bottom, even if they see it, the moral advantages of the inferior position? The opponent of Socialism betrays a lack of humour. Levelling conditions, however, are not

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required. Those conditions are required which will call upon every man for the best he has in him to provide, which in short, will call forth his manhood. To obtain this means not a cessation but an increase of rivalry. And the Socialist claim for common access to the sources of fertility and power is not directed against competition, but against certain conditions and aims at present inseparable from it. It is not the prizes that are the trouble, but the character and the conditions of the race. Only let men compete as men together ; the prize will not be less dearly coveted because it is honourably won. Competition of the right kind is so good for brain as well as for muscle, that our upper classes might be improved by a little more of it.

But Mr. Mallock has a further point. He argues that the great steel kings are indispensable, that they and their like are really sustainers of society, and that if they were tampered with, the world's wealth would decrease. Here again there is a distinction to be drawn. These men have a genius for organization ; and the notorious trusts they form exemplify very happily the benefits to be expected from a properly constituted central control : if private companies distributed our letters, where would the penny post be ? On the other hand, their acquisitive instinct is developed quite abnormally. Now it must be obvious that just in so far as the personal motive is the centre and focus of their activities, the results are liable to become not only valueless, but pernicious, to society as a whole. The virtue of these men is their organizing ability ; their acquisitiveness is their vice. Without it, says Mr. Mallock, there is nothing to prompt them to the exercise of their virtue. But these are empty words. Ability in organization, like ability of every other kind, cannot exist in a high degree without involving the passion for its exercise. It is one of the higher mental faculties ; no one can possess such a gift without wishing to feel his possession of it, and the only way to get the feeling is to use the gift. This is a commonplace of psychology. It is a detail to add that posts demanding it can never fail to be highly paid. The point is that to secure the full benefit of these organizing powers the taint of self-interest must

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be dissociated from them. Covetousness has gone abroad so widely in part because it has become, as it were, the conventionalized business attitude. Boys at school will perish sooner than admit affection for their sisters or mother. Similarly the business man pretends that nothing exists for him except his pocket. Yet altruistic motives are common to all men of spirit, and there is nothing in them incompatible with keen desire for personal advancement. Grades of service there must always be, and the ambition among men to rise from lower to higher, for the betterment of their estate. But the true motives of commerce are only obscured by identification with self-interest, a motive as clogging in this region as in every other. At present many paying trades are prosecuted to the detriment of the community; while the prosecution of others, even at a loss, might increase the wealth of the country. Mr. Mallock's treatment of State organization is fallacious, not recognizing this fact. And if nothing will make a man work except the wish to be a millionaire, let him stay idle. Society will have no difficulty in finding a substitute for him; a little less organization possibly, but aiming at, and perhaps, on that account, achieving, better things. Mr. Mallock may take comfort, therefore; the steel king and the oil king will not be missed.

Socialists seem often to fall into the error of painting the society based upon their principles as a society renovated and reformed from top to bottom, a thing to be coupled with the advent of a new Heaven and a new Earth. Were such the fact there would be nothing to be done but wait till the day of spiritual revival dawned. And in the meantime no reply could be advanced against the spokesmen of our more foward generation, who would continue to cite the Law of Uniformity with convincing effect. The force of Mr. Mallock's arguments is to be found not in their logic, but in a belief of his, which readers voluntarily share with him, that he is merely putting into words what Nature has put already into deeds. So he may be careless, inconsiderate, and overbearing, for facts are hard; and to the vacant idealists he imagines himself to be opposing may act like an Inquisitor of the Religion

MR. MALLOCK AND SOCIALISM

of the Established Order and bid them feel the fierce thumbscrew of Reality. There is only one reply to this, and that is to point to the Established Order itself and to see what, after all, establishes it. Is it established because, or in spite, of the greed and acquisitiveness of human-kind? The mutual dependence of men, the fellow-feeling that rises from it, and, as it rises, enlarges the horizon of their lives, do these things dissolve society or do they bind? The reply is obvious. And what is society, what is the state, if not an outward expression of the inward identity of the nature of men, of the thoughts and feelings which they share, of the aims which they pursue unitedly since none could realize or even entertain them alone, of the incompleteness and dependence of the individual, his need of others and their need of him? These things it is, not which would bind if men were different, but which do bind now. The mere money-maker, under whatever guise he goes to work, is simply a leech and a parasite. It would seem to be the aim of Socialism to remove the stimulus by which such men are actuated, and to shape a society, a constitution, which shall better express the virtues on which our present society, our present constitution rest. Great changes are not likely to be inaugurated in the twinkling of an eye. If what Socialists contend for is a truth, that truth, we may be sure, is expressing itself, however imperfectly, now. Here and there a few things might be adjusted more conveniently and more fairly; and some of the conventions of trade and property are among them. Meantime if Socialism progresses, it will be because its beliefs are already acted upon so widely and because, scorned, violated, or unrecognized, they are yet the living source of such stability and prosperity as we enjoy to-day.

INSURANCE AGAINST UNEMPLOYMENT

THE Report of the Poor Law Commission of 1909 is likely to be as much a turning point in the history of social legislation as its predecessor of 1833. But whilst the Commissioners of 1833 saw their ideas transferred to the statute book in a single measure, of revolutionary importance, a different fate has been reserved for their successors. The Report of 1909 is likely to originate not one but a whole series of enactments, affecting every phase of national well-being. Already the Labour Exchanges Act has called into being a new method of industrial organization, and we are promised for this session a vast scheme of insurance against invalidity and unemployment — another re-organization of social forces. It is characteristic of the changes which have taken place since 1834, that we are now concerned more with social reconstruction than with mere measures of relief. It is also remarkable, that whilst neither Majority nor Minority Reports went much further than to hint at the possibility of National Insurance, statesmen have been readier to develop this suggestion than to carry out the detailed proposals for reforming the national system of relief. There is a spirit abroad which bids us look forward to a time of bold and creative experiment, in dealing with social evils, without parallel in the history of this country. It should, too, be a subject of legitimate pride that at least one of these proposals, that for compulsory insurance against unemployment, is entirely new. In this matter no other country has set us a precedent.

The two schemes of insurance are, of course, entirely distinct, and it is proposed to deal here with only one of them. Although the outline of the Government plan for Insurance against Unemployment has been public property for more than a year, its scope is still imperfectly understood. It will be well, therefore, to begin with a brief summary of it. One point must be made clear at the

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outset. Since they are breaking new ground, the Government intend to proceed by instalments, and they have chosen, for a commencement, three important trades, namely, building, engineering, and shipbuilding.

Workmen in these trades are particularly liable to fall out of work, as it is not practicable to meet the alternation of good and bad times, or seasonal fluctuation in demand, by the device of short time, as is done, for instance, to a large extent in the mining and textile industries. The selected trades are also those in which these fluctuations are notoriously violent. Though the Government, therefore, have undertaken to deal with only a part of the field, it is a part in which the evil is felt particularly severely. Moreover, the selected trades employ between them about two and a quarter millions of workmen—a third of the whole number of adult male wage earners. The machinery of insurance is to be organized by trades, or groups of trades, i.e. the unemployment insurance fund for "building" will be separate from that for "engineering"; the basis of organization is to be national and not local. Employers, workmen, and the State are to contribute, and membership is to be compulsory. Exact information as to the amount of premium, and the benefit to be given for it, is not yet forthcoming, but the weekly payment is likely to be somewhere in the neighbourhood of sixpence, divided equally between the workman, his employer, and the exchequer. For this it will probably be found possible to give an out-of-work benefit of 5s. or 6s. a week for fifteen weeks, or possibly longer.

THE NEW MACHINERY

The system of collection is to be analogous to that adopted by the German system of invalidity insurance. Every worker is to have a card, to which it is to be the duty of the employer to affix every week stamps to the amount due, the workman's share being deducted from his wages. As an alternative, an employer may deposit his workmen's cards with the Labour Exchange, where the stamps will be affixed, on the amount being forwarded

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to the office. In that case employers would have no more to do than to make out a weekly cheque.

On the workman's side the scheme may at first appear to involve a disagreeable departure from his present immunity from any kind of official interference. In the course of the coming year we are likely to hear a good deal about the danger of applying German methods of regimentation to freeborn Englishmen. It will be well to discount criticism of this sort from the beginning. It is true that the scheme will apparently involve every workman in the selected trades providing himself with an insurance card. Without this no employer will be legally able to give him work. But there is nothing new or revolutionary about this, even in England. For many years every British seaman, when he wishes to sign on as member of a ship's crew, has been required to produce his identification and discharge book. No one has ever pretended that this formality puts him to any real inconvenience. Nor is this all. In any shipbuilding yard, or coal mine, or cotton factory, a new comer, unless he is recognized as a member of the trade union concerned, is already required by his shopmates to show his card of membership. There is nothing, therefore, very novel or un-English, at any rate to trade unionists, about a rule which requires a man to show how he stands with the insurance fund before he is given work.

RIVAL POLICIES

There is another kind of criticism which deserves to be taken more seriously. The scheme, which has been outlined above, is absolutely new and untried. In other countries all attempts at compulsory insurance against unemployment have been hitherto complete failures. Continental experience, it is already being pointed out, seems to show that progress is more likely to be made by relying on the voluntary principle. The State should not attempt to create compulsory machinery of its own, but should be content to assist trade unions and other societies, which give, or might give, unemployed benefit, to make this form of insurance more substantial and accessible.

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If, for instance, for every shilling given in unemployed pay by a trade union the State adds another sixpence, that will enable the union either to increase its benefit or to lower its rate of contribution. In one way or another, it is argued, the trade unions would thus be enabled to reach the workmen who at present remain outside their ranks.

This system of publicly assisted voluntary insurance originated with the municipality of Ghent. Since 1901 the trade unions in this important manufacturing town have received a *pro rata* grant upon the amount of benefit paid by them. The objection to such a plan is that it tends in a dangerous way to limit the mobility of labour. A workman falling out of work might be tempted to remain in his town rather than go elsewhere to obtain work, and lose the benefit to which he would be entitled if he stayed. This objection can be overcome if the assistance can be given to national unions or federations of unions. Accordingly, in Denmark, which has the most developed system of State-aided voluntary insurance, the insurance funds receiving grants are in almost every case attached to trade unions of national extent. In Denmark, moreover, between 40 and 50 per cent of the working classes belong to trade unions, including a very high proportion of unskilled labourers. The difficulty, therefore, that the very men whom it is most desirable to insure against unemployment are outside the ranks of organized labour, has not to be faced. Elsewhere this difficulty has hitherto proved insuperable. In Ghent, where the system originated, municipal assistance of unemployment funds has, on the high authority of Mr. D. F. Schloss, completely failed to encourage the growth of trade unionism.

THE ARGUMENT FOR COMPULSION

This acknowledged fact really counterbalances the advantages of the Ghent system. If the State merely assists trade unions, it does indeed reduce to a minimum the difficulties of administering unemployment benefit. The union can effectively prevent malingering and fraud, whilst the State, it must be conceded, will find it hard to do so.

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But under the Ghent system it is the minority of skilled and relatively well-paid workmen who have been benefited at the public cost—precisely those who are best able to help themselves. In England, if a similar plan were to be adopted, there would be an even more striking disproportion between the need and the benefit. In the trades selected for compulsory insurance, not more than one-sixth belong to trade unions at all, and the only important unions in the building trade which give unemployed benefit are the carpenters and the plumbers. Do the working men of this country want a plan adopted which will only help a minority? Until there is evidence that they do, the voluntary system may be ruled out.

Nor are the difficulties of administering a compulsory system, provided it is wisely organized, so insuperable as they might appear. If it is organized by trades, full use can be made of existing voluntary machinery by giving their members certain advantages. At the same time, the fact that the system is compulsory will prevent only those who are likely to become unemployed remaining members of the fund. In every sound system of insurance the good lives pay for the bad. If the system is to be compulsory, employers as well as workmen must be associated with the scheme, so that full use can be made of the corporate organization of the trade. Given this, and a national system of Labour Exchanges, which will prevent unemployment arising through mal-adjustment of the demand and supply of labour, and provide an automatic test as to whether those claiming benefit can or cannot find work, there seems no reason why compulsory insurance should not be successful. It must, of course, be constructed on a strictly actuarial basis. The benefits, that is to say, must be strictly proportional to the contributions. In that way the habitual, the man who is always out of work, will be eliminated before he has the opportunity to ruin the fund, because he will fall behind with his contributions. That condition is, of course, essential. The right way of dealing with the habitual out-of-work has still to be worked out. It is not to be expected that unemployment insurance will in the immediate future effect any marked diminution in the cost of poor relief. It will, however,

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prevent an enormous amount of suffering outside the poor law, and eliminate part of the loss, in physical and moral efficiency, which unemployment inevitably brings with it. When the father is out of work, the children especially are apt to sustain permanent injury. Anything which will minimize this wastage of precious human capital is worth paying a high price for.

QUINTILIUS.

THE PATHFINDERS

AN ORDER OF CHIVALRY FOR BOYS

WE have much pleasure in giving the following account of this new organization to promote the welfare of boys :

OBJECTS OF THE ORDER

The Pathfinders is intended as an order of chivalry for boys, to promote their moral, physical, and mental welfare. In attempting these objects it considers the needs of the boy only, and is wholly non-military in its methods and ideals.

METHODS OF WORK

It seeks to realize its aims by the organization of its boy members into small companies of seven each, known as Clans, under the care and guidance of gentlemen fitted by character and ability and genius for the office. These officers bear the title of Chief Pathfinders.

The following are the chief methods of work adopted :—

- The encouragement of the outdoor life generally.
- The promotion of camping and all forms of physical and athletic activities.
- The study of nature and wild life.
- The encouragement of all forms of further education.
- The development of civic patriotism.

THE PLEDGE OF THE PATHFINDER

The pledge to be taken by each boy before admission as a Pathfinder shall be in the following terms :

I solemnly declare that

1. I will bear true allegiance to the Order of the Pathfinders, its officers and members.

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2. I will strive to raise my own body and soul daily into higher powers of duty and happiness for the help, delight, and honour of others, and for the joy and peace of my own life.
3. I will reject no claim for sympathy or help ; I will not kill nor hurt any living creature needlessly, nor destroy any beautiful thing, but will strive to save and comfort all gentle life and guard and perfect all natural beauty upon the earth.
4. I will strive to observe the Rules of Chivalry as interpreted and set forth by the Order of the Pathfinders.
5. I will seek courage to fulfil this my pledge and these my duties as a Pathfinder, trusting in the living God, and I will strive to keep His law and see His work while I live.

GOVERNMENT

The Order shall be governed by a Central Council to be elected annually by the Chief Pathfinders and Associates of the Order.

The duties of the Council shall include the election of president, vice-presidents, and all other officers, and the appointment of committees, upon which non-members of the Council may be included, to deal with the various departments of the work of the Order.

Annual and other meetings of the Council shall be held as provided in the Rules.

Chief Pathfinders only are recognized who have received a warrant of appointment from the Council, for which application must be made in the manner set forth in the Rules of the Order.

Each Chief Pathfinder will pay an annual registration subscription of 2s. 6d. The name and number of each clan must be registered with the Council.

Associates of the Order consist of annual subscribers of not less than 10s. 6d. Chief Pathfinders are ex officio Associates of the Order.

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LITERATURE

No literature shall be issued or adopted in connection with the Order of Pathfinders without approval by the Council, or committee appointed by the Council.

A weekly and monthly periodical for boys, under the title of *The Pathfinder*, will be issued.

BADGE

The official badge to be worn by all ranks is the cross of Saint George on a small shield with a five-point star in the upper left quartering.

CHIEF PATHFINDERS

The officer in charge of a Clan or Tribe receives his warrant direct from the Council, and takes the title of a Chief Pathfinder. He may have from one to nine Clans under his care, and he may appoint gentlemen properly qualified to act as Assistant Chief Pathfinders under him.

CLAN CHIEFS (BOY OFFICERS)

The Clan Chief is elected by his fellow-pathfinders, and under the general direction of the Chief Pathfinder shall be in charge of the Clan.

SECOND CLAN CHIEFS (BOY OFFICERS)

The Second Clan Chief is appointed by the Clan Chief after approval by the Chief Pathfinder, and takes charge of the Clan in the absence of the Clan Chief.

THE CLAN

A Clan consists of seven pathfinders, who elect one of their number to be Clan Chief. He must be approved by the Chief Pathfinder.

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THE TRIBE

A Tribe consists of two to nine Clans under the same Chief Pathfinder.

GRADES OF PATHFINDERS

There are three grades of Pathfinders known as Orders of the Feathers, as follows :

1. The Order of the Green Feather.
2. The Order of the Blue Feather.
3. The Order of the Red Feather.

The highest of these orders is the Red Feather, and the Pathfinder has to pass an examination before he can obtain any of them, of which the following are particulars :

ORDER OF THE GREEN FEATHER

A Pathfinder must have been attending the meetings of the Tribe for at least four weeks before he is allowed to compete for the Order of the Green Feather.

He must qualify in the following tests :

1. If under 14 he must run 100 yards in 15 seconds.
If over 14 he must run 100 yards in 13 seconds.
2. He must tie the following knots :
Reef knot ; sheet bend ; carrick ; fisherman's bend.
3. He must have an intelligent knowledge of the Pathfinders and the terms used in the Order.
He must know what he has to do for the various feathers and badges.
4. He must be able to describe the appearance of five trees, and to recognize their leaves when shown to him.
5. He must have an intelligent appreciation of the meaning of the Pathfinder's Pledge.

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ORDER OF THE BLUE FEATHER

Before a Pathfinder is awarded the Order of the Blue Feather he must have attended the Tribe meetings regularly for three months, and his conduct must be satisfactory. He must already have attained the Order of the Green Feather.

1. If under 14 he must run 220 yards in 35 seconds.
If over 14 he must run 220 yards in 29 seconds.
2. He must be able to give all the letters in the semaphore alphabet.
3. He must know and name ten star groups, and know the names of the Planets.
4. He must be able to tie eight different knots :
Reef, sheet bend, carrick bend, fisherman's knot,
half hitch, round turn and two half hitches,
fisherman's bend, clove hitch.
5. He must know the life of one great Pathfinder,
a Scientist, Discoverer, Soldier, Musician, Writer,
Sailor, Politician, Preacher, Physician, Inventor,
Artist, Patriot, or Poet.
6. He must know the sixteen points of the compass.
7. He must be able to recognize and correctly name
twelve different birds.

ORDER OF THE RED FEATHER

Before a Pathfinder is awarded the Order of the Red Feather he must have attended the Tribe Meetings for six months and his conduct must be satisfactory. He must have attained the Order of the Blue Feather.

1. If under 14 he must run 440 yards in 90 seconds.
If over 14 he must run 440 yards in 70 seconds.
2. He must know all the letters in the Morse alphabet.
3. He must know and name ten star groups, and tell the names and something about at least one star in each.

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4. He must be able to tie ten different knots : Reef, sheet bend, carrick bend, fisherman's knot, half hitch, round hitch and two half hitches, clove hitch, timber hitch, sheepshank, and bowline.
5. He must be able to write a short account of one book by Robert Louis Stevenson, Charles Kingsley, Dickens, Scott, Fenimore Cooper, Victor Hugo, or Dumas.
6. He must draw a sketch map of the district around his Tribe head-quarters or his home, putting in at least 40 streets if in a town, or 40 farms and houses if in a country district ; also the fire stations, fire alarms, doctors' houses, chemists, railway stations, churches, chapels, and public buildings.
7. He must describe satisfactorily the nature, habits, and appearance of 20 animals, birds, or fishes, and of 20 trees, shrubs, or flowers. He must bring to the Chief 20 different leaves, and know the names and appearance of the trees or shrubs or flowers from which they are taken.
8. He must write an intelligent report of a walk, giving principal buildings and objects of interest passed on the way, and any interesting incidents he may have witnessed. This report must be well written, and contain not less than 200 words.
9. He must be able to go through 20 physical exercises in order and from memory.

STARS

When a Pathfinder has attained the Order of the Red Feather he may compete for the undernoted Stars, which

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are awarded after examination by the Chief Pathfinder, to whom alone the Stars are supplied.

1. Nature Study Star.
2. Photography Star.
3. Cooking Star.
4. Music Star.
5. Gymnastic Star.
6. Swimming Star.
7. The Reindeer Star (for walking, running, and jumping).
8. First Aid Star.
9. Signalling Star.
10. Astronomy Star.
11. Literature Star.
12. Sailing Star.
13. Spider Star (for knots and splices).
14. Geology Star.
15. Architecture Star.
16. Model making Star.
17. Citizenship Star.

Other stars will be added from time to time.

Full details of each examination will be issued from head-quarters on application.

For eight or more stars shoulder cords may be worn.

UNIFORM

Chief Pathfinders and Assistant Chief Pathfinders—Khaki hat, khaki coat of Norfolk pattern, khaki breeches, puttees, white shoulder knots (four inches long), badge on left pocket of coat, short cane.

Pathfinders.—Khaki hats with feathers of the Order on left side, khaki shirts with two pockets, badge on left pocket, navy blue shorts (or khaki breeches), stockings, stars on left sleeve, scarf, ash or other staff, shoulder knots of clan colour, leather belt. Optional Uniform for Grand Parades : Khaki hats, white sweaters, white shorts, black stockings. Clan chiefs and assistant clan chiefs on all occasions wear three and two green stripes respectively on left arm.

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NAMES OF CLANS

Clans may select names and colours from the following list :

1. Eagles	Green.
2. Curlews	Red.
3. Falcons	Dark Blue.
4. Ravens	Black.
5. Hawks	Yellow.
6. Peewits	Grey.
7. Swallows	Brown.
8. Swifts	Violet.
9. Seagulls	Light Blue.

Applications for further information as to this organization should be addressed to the acting honorary secretary, the Rev. F. W. Chudleigh, care of the editorial office of Saint George, Queen Anne's Chambers, Broadway, London.

THE COMPULSORY AGE FOR SCHOOL ATTENDANCE IN FOREIGN COUNTRIES

IN view of the present movement for Educational Reform, we give here the information issued to Parliament as to the ages at which compulsory education begins and ceases respectively in the following countries :—

FRANCE

Begins on the completion of the sixth year.

Ceases on the completion of the thirteenth year. Children who obtain the *Certificat d'Etudes* may be exempted from further attendance. This *Certificat* can be obtained at the age of eleven.

GERMAN EMPIRE

BADEN

Begins on the completion of the sixth year. The school year begins at Easter. If a child attains the age of six between Easter and the 30th June in any year, it becomes liable to school attendance at the opening of the school session in that year.

The child leaves school at Easter in the year in which it attains its fourteenth birthday provided that birthday falls before June 30th.

BAVARIA

Begins on the completion of the sixth year.

Ceases on the completion of the thirteenth year.

PRUSSIA

There is no general school law which applies to all the provinces of this kingdom. In some parts of the kingdom the obligation to attend school begins on the completion of the child's fifth year ; in the rest of the country one year later, but as a matter of general practice, children are not compelled to attend before they have completed their sixth year.

Ceases on the completion of the fourteenth year.

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SAXE-WEIMAR

Begins on the completion of the sixth year.

Ceases on the completion of the fourteenth year. Children may be retained until the completion of the fifteenth year if their progress is unsatisfactory.

SAXONY

The obligation is to attend the elementary school for a period of eight years, which, as a rule, begins on the completion of the child's sixth year.

Ceases on the completion of the fourteenth year.

WURTEMBERG

Begins on the completion of the seventh year.

Ceases at the end of April in the year in which the child attains its fourteenth birthday. Children may be retained at school an additional year, if their progress is unsatisfactory.

AUSTRIA-HUNGARY

AUSTRIA

Commences at the beginning of the school year after the child has attained its sixth birthday.

Ceases on the completion of the fourteenth year. Children receive leaving certificates on leaving school, and if they cannot obtain their certificates, they must remain at school beyond the compulsory limit.

HUNGARY

Begins at six years of age.

Ceases at twelve years of age.

HOLLAND—

Begins at seven years of age.

Ceases at twelve years of age. Children who do not succeed in reaching a prescribed standard may be retained at school till the age of thirteen.

ITALY

Begins at six years of age.

Ceases at twelve years of age; except in the case of

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communes, which make provision only for the lower elementary course, in which case children are exempt at the age of nine.

PORUGAL

Begins at six years of age.

Ceases at twelve years of age. Pupils who obtain the *Certificat d'Etudes du I. Degré*, may be exempted before reaching the age of twelve.

CANADA

ALBERTA

Begins at seven years of age.

Ceases at fourteen years of age. Children who have passed the Public School Leaving Examination, may obtain exemption at an earlier age.

BRITISH COLUMBIA

Begins at seven years of age.

Ceases at fourteen years of age.

MANITOBA

No statutory compulsion.

NEW BRUNSWICK

There is a Compulsory Attendance Act, which it is optional for the School Trustees of a district to make operative in that district. This Act requires children to attend school between the ages of seven and twelve years inclusive in rural districts, and between the ages of six and sixteen inclusive in cities and towns. Exemption may be granted to children over twelve if necessity compels them to work.

NOVA SCOTIA

Compulsory attendance left to local option. There are two Acts under which compulsory attendance may be enforced—(1) the Education Act of 1900, and (2) the Towns Compulsory Attendance Act of 1900. The latter, which requires attendance between the ages of six and sixteen but admits of exemption in the case of children over

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twelve who have passed a specified examination, can be adopted in incorporated towns only. A rural area which desires compulsion can enforce it by adopting the compulsory clause of the Education Act 1900, which requires attendance between the ages of seven and twelve.

ONTARIO

Begins at eight years of age.

Ceases at fourteen years of age. Children who have passed the entrance examination for high schools may obtain exemption before the age of fourteen.

PRINCE EDWARD ISLAND

Begins at eight years of age.

Ceases at thirteen years of age.

QUEBEC

No statutory compulsion.

SASKATCHEWAN

Begins at seven years of age.

Ceases at twelve years of age.

AUSTRALIA

NEW SOUTH WALES

Begins at six years of age.

Ceases at fourteen years of age. Exemption may be obtained at an earlier age if the child holds a certificate of having reached a prescribed standard, i.e. reading, writing, and arithmetic up to the standard of the fourth class of the primary school.

QUEENSLAND

Begins at six years of age.

Ceases at twelve years of age. Exemption may be obtained at an earlier age if the child holds a certificate of having reached a prescribed standard, i.e. a competent knowledge of reading, writing, and arithmetic to the satisfaction of an inspector of schools.

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SOUTH AUSTRALIA

Begins at seven years of age.

Ceases at thirteen years of age. Exemption may be obtained at an earlier age if the child has been educated up to the compulsory standard, i.e. reading, writing, and arithmetic, as specified for the fourth class of the primary school.

TASMANIA

Begins at seven years of age.

Ceases at thirteen years of age. Children who have been educated up to the compulsory standard, i.e. proficiency in reading, writing, and arithmetic to the satisfaction of an inspector of schools, may obtain exemption at the age of eleven.

VICTORIA

Begins at six years of age.

Ceases at fourteen years of age. Children who have obtained a merit certificate, may obtain exemption at the age of twelve.

WESTERN AUSTRALIA

Begins at six years of age.

Ceases at fourteen years of age.

NEW ZEALAND

Begins at seven years of age.

Ceases at twelve years of age. Children who hold certificates of having completed the fifth standard, may obtain exemption at an earlier age.

SOUTH AFRICA—

CAPE OF GOOD HOPE PROVINCE

Any school board may pass a resolution to make attendance at school compulsory on all children of European parentage who have completed their seventh but not their fourteenth year.

†NATAL PROVINCE

Begins at seven years of age.

Ceases at fourteen years of age. Children who have

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completed the fifth standard of primary schools and are in regular employment, may be exempted at an earlier age.

†ORANGE FREE STATE PROVINCE

Begins at seven years of age.

Ceases at sixteen years of age. Children who are in regular employment and have completed the course of the fourth standard of primary schools, may be exempted at an earlier age.

†TRANSVAAL PROVINCE

Begins at seven years of age.

Ceases at fourteen years of age. Children who have completed the course of the fourth standard of primary schools and are in regular employment, may be exempted at an earlier age.

† Applicable only to white children.

STREET TRADING BY CHILDREN

By J. H. WHITEHOUSE, M.P.

THE EMPLOYMENT OF CHILDREN ACT, 1903

IN the year 1900, the then Home Secretary appointed a Departmental Committee to enquire into the work performed by children of school age. The report which that committee presented to Parliament led to the passing of the Employment of Children Act, in 1903. This is the chief Act which is concerned with the employment during out-of-school hours of children still attending school. Certain statutory regulations are made in this Act on such points as the total number of hours which may be worked. On others, local authorities are given power to make by-laws. The Act deals with the whole of the employments to which children are sent, but one of these, viz., trading in the streets, is made the subject of special regulations. The minimum age of a child trader must not be less than eleven years, the hours between which trading may take place are specified, and powers are given to local authorities to raise the minimum age and to impose certain conditions for trading in the streets, such as the provision of proper clothing, etc. But the whole spirit of the Act of 1903 was regulation rather than prohibition, and the responsibility for carrying out the statutory provisions, and for seeing that the regulation was adequate, was thrown upon the local authorities. The Act from the first was regarded as a tentative measure, its permanence obviously to depend upon the ascertained results of its working.

THE DEPARTMENTAL COMMITTEE, 1909

In 1909, the Home Secretary, then Mr. Herbert Gladstone, appointed a departmental committee to enquire into the working of the Act of 1903, and to report upon any amendments which were necessary in regard to street trading and the other employments dealt with in the Act.

STREET TRADING BY CHILDREN

The appointment of this Committee was the result of a promise made by the Government when the Children's Bill was under discussion in the House of Commons, and was in response to the many appeals made in the House for the abolition of street trading by children to be included in that Bill. Although therefore the departmental committee might have concerned themselves with the general question of the employment of school children, they resolved to confine themselves for the most part to the subject of street trading by children of school age and young persons, and the report which they have issued is chiefly concerned with that subject.

THE WORKING OF THE 1903 ACT

In order to form an opinion on the recommendations which the departmental committee make, we should consider the extent to which that portion of the Act of 1903 which deals with street trading has been successful. Section 2 of the Act, which gives power to local authorities to make by-laws for the regulation of street trading by children and young persons, is permissive, not mandatory, and the extent to which it has been taken advantage of is shown in the following figures : In England and Wales, out of 74 county boroughs, 50 have made street-trading by-laws. Of 191 smaller boroughs and urban districts, only 41 have made by-laws. Of 62 administrative counties, only 1 has made by-laws. In Scotland none of the 33 county councils empowered to make by-laws has done so, and only 3 out of 56 burghs. In Ireland no one of the 33 county councils has taken action, and only 5 out of 43 urban district councils have adopted by-laws under Section 2 of the Act.

It is thus clear that in Scotland and Ireland the Act is a dead letter as well as in many parts of England and Wales. The committee find that in many places even the statutory provisions of the Act are not observed, so that much street trading is done by children under 11. In Edinburgh children of 7 trade in the streets. The committee find further that where by-laws have been adopted they are frequently not enforced, and have left the local

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conditions unaltered, and that this method of regulation of an unquestionable evil has proved neither adequate nor satisfactory. Even where by-laws are rigorously enforced they can at best only modify the difficulties of the position.

THE EXTENT TO WHICH STREET TRADING EXISTS

It is difficult to give an accurate estimate of the number of child traders on the streets. In England and Wales the number officially licensed or to whom badges had been issued was in 1908 more than 37,000. To this great total must be added the number trading in places where no system of registration exists and trading in other places in defiance of by-laws never enforced. In Scotland and Ireland the Act is so greatly unobserved that no estimate is possible. The returns from four towns in Ireland show 3468 children engaged, and from four cities in Scotland, 303. Probably in other towns the figures vary from a dozen to 500.

THE NATURE OF STREET TRADING

The great majority of child traders sell newspapers. This is true, not only of London, but of every part of the country. In the bulk of cases they are principals trading on their own account and dealing direct with the newspaper proprietors. After newspapers come match- and flower-selling, though these are largely a cloak for begging. A number of boys are engaged in the delivery of milk, accompanied by occasional sales.

THE EVILS OF STREET TRADING

The evidence is so clear and widespread as to the evils resulting to children and young people through trading in the streets that argument on this point is hardly possible. The chief of these are the moral evils arising from a life on the streets, which in the case of girls generally ends in their ruin, and in the case of boys rapidly leads them to gambling and crime; and the physical injury sustained by children through standing about the streets in all weathers, often insufficiently clothed. At the best, it unfits those who engage in it for any regular work in life. Fresh from

STREET TRADING BY CHILDREN

school, and in many cases before they have left school, they enter upon a wild, undisciplined life in the streets, and suffer both mental and moral degeneration. The evidence of superintendents of police, of social workers with practical experience of the problem, of schoolmasters, of medical men, of the representatives of civic authorities, clearly establishes these facts.

THE POSITION OF NEWSPAPER PROPRIETORS

We have already pointed out that the problem is largely concerned with the sale of newspapers. The proprietors were the chief, if not the only witnesses, who had anything to say before the Departmental Committee in favour of street trading by children, and they appeared to think that prohibition would mean a serious handicap to their business. It should, however, be noted that the newsagents maintained that they could adequately meet the needs of the public, and they complained of the loss of trade which they suffer through the competition of the boys selling in the streets. Our own view is in harmony with that of the committee. We believe that the newspaper difficulty is one which could be got over. The continental system of the newspaper kiosk might well be introduced into this country. The system of delivering papers to the houses of customers could be developed. Old men, incapable of other work, might be increasingly used in the street sales of papers, and note should be taken of the practice of one great London paper, the proprietors of which, feeling that the use of boys for this work generally led to their ruin, employ only men for sales throughout the city.

THE RECOMMENDATIONS OF THE DEPARTMENTAL COMMITTEE

The committee find the evils of street trading to be clearly established. They describe the results of the system in grave language. They are satisfied that any form of regulation is inadequate, and they recommend statutory prohibition of street trading in the case of boys up to the age of 17, and in the case of girls up to an age

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not less than 18. Some recommendations of a minor character are also made.

CONCLUSION

The objectors to legislation to carry out these proposals are likely to fall into three divisions.

1. Those concerned with the sales of evening newspapers. These we have already dealt with.

2. Those who urge that the earnings of the children are necessary to relieve the poverty of parents. This is the argument used through all history when legislation to protect the young was adopted. It is not unreasonable to think that we have now reached almost general agreement that it is not right to sacrifice the coming generation on any such plea. The case of the poverty of the parents must be dealt with in other ways.

3. Those who suggest that it would be impossible to absorb in other forms of industry the boys prevented from trading in the streets. We believe that so far as boys of school age are concerned, they should not be employed in industry at all. Above school age there is a constant and in many cases unsatisfied demand for boy labour, and even though it be true that much of this is for unskilled work, such as messenger- or van-boys, it is work of a higher and more disciplined character than street trading. But we may hope that with the development of the juvenile side of the labour exchanges, the supervision of all employment to which boys go on leaving school will be adequately organized, and though it is true that street trading by children is only one detail of a great social problem, the entire solution of which requires far-reaching educational and economic reform, it is a detail almost unique, for its practice is necessarily destructive of the child's power to become either a good or a healthy citizen.

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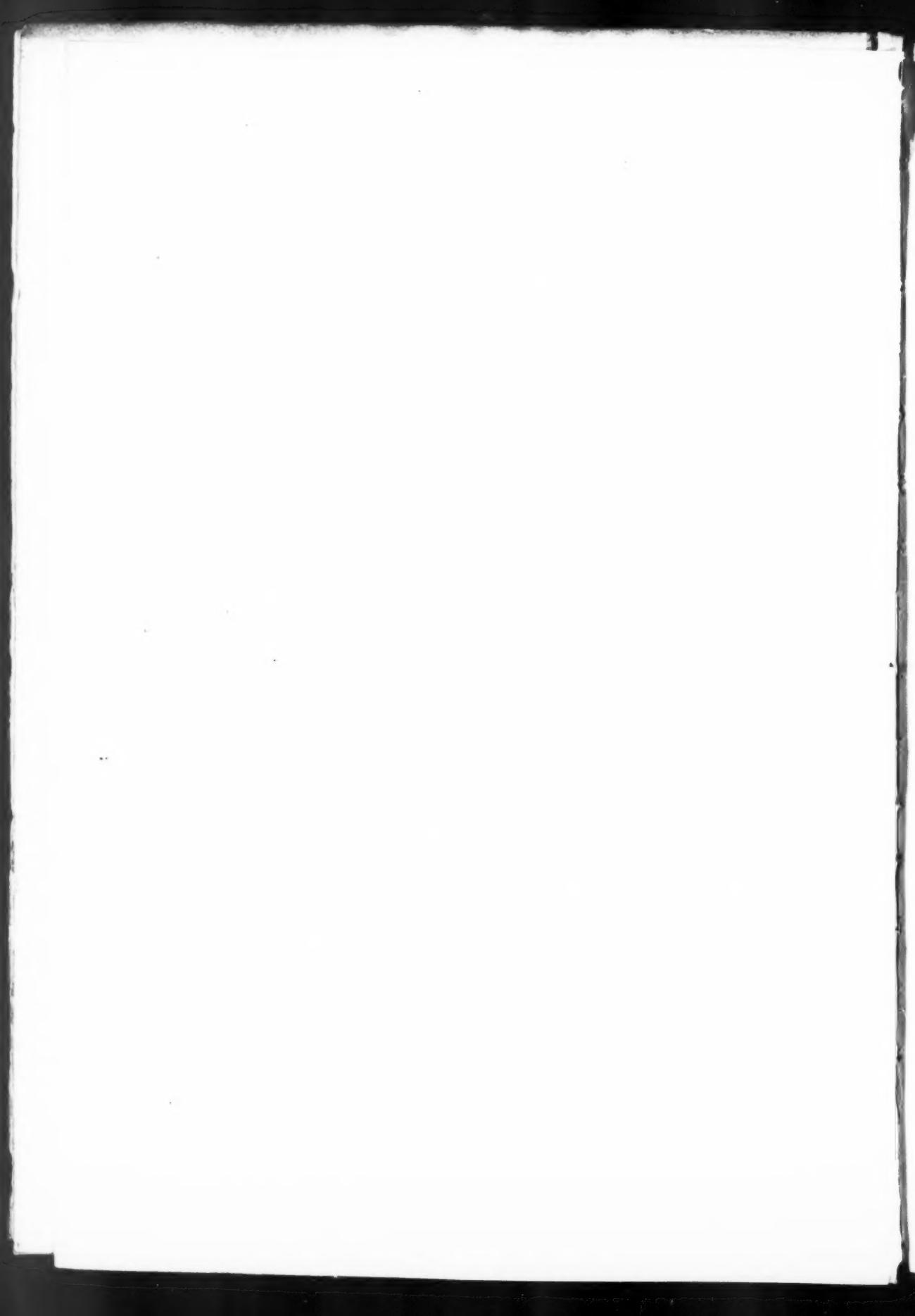
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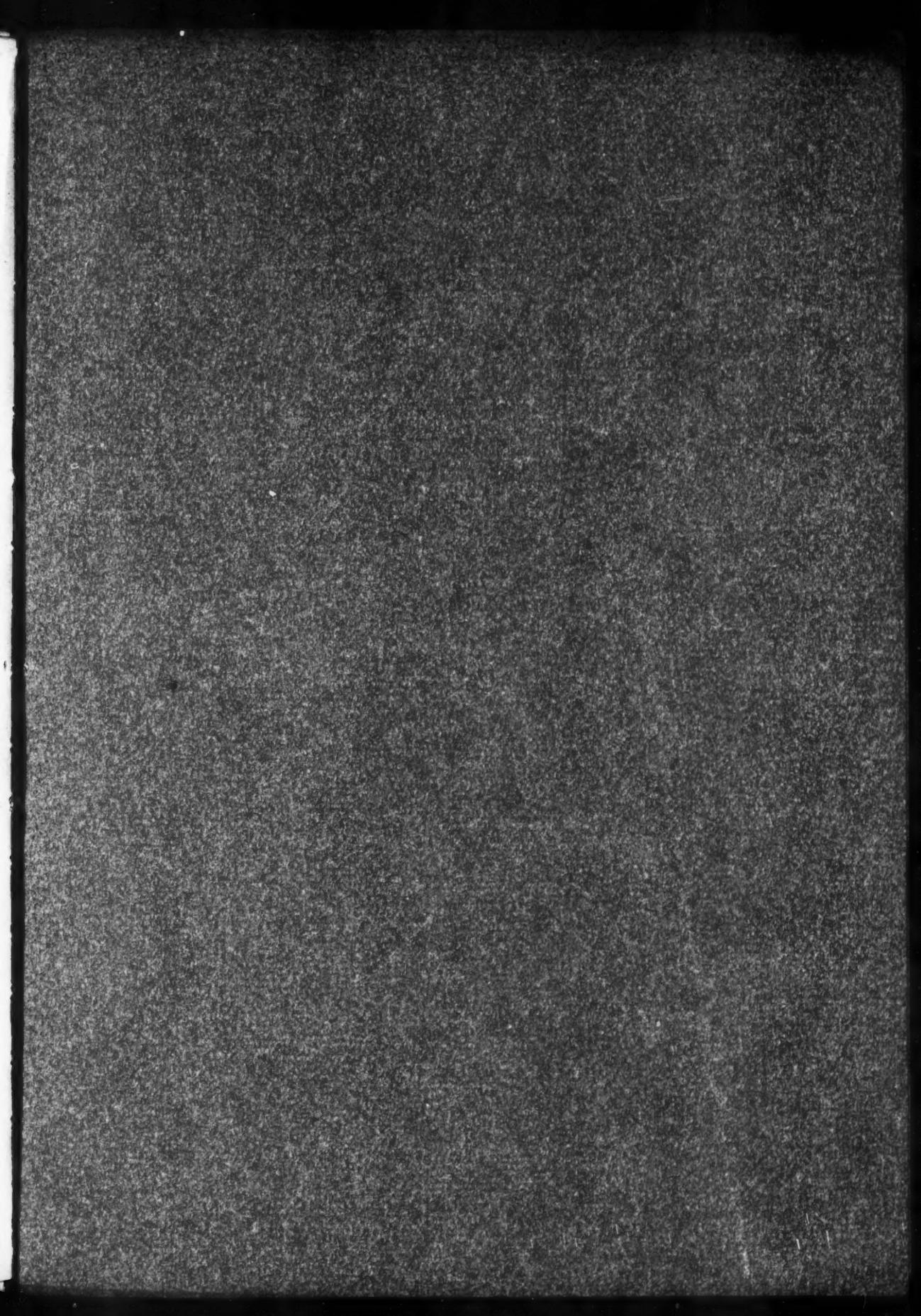
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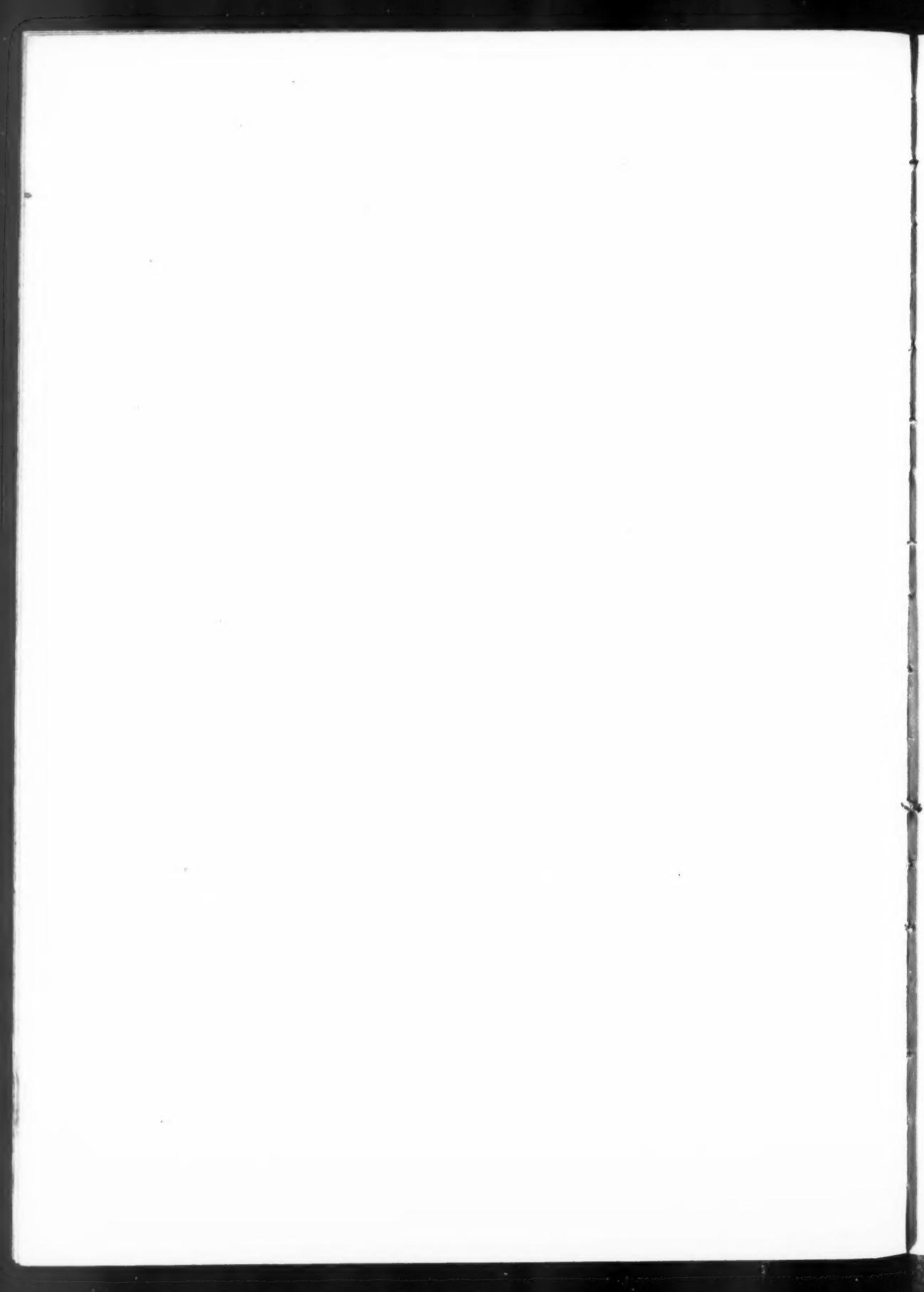
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